

**BOARD OF COUNTY COMMISSIONERS**  
**Agenda Item Summary**

**Meeting Date**      April 16, 2003      **Division**      **County Attorney**

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**AGENDA ITEM WORDING**

Public hearing on an ordinance which would permit the County to enter into interlocal agreements with other local governments for the purpose of sharing the services of a Code Enforcement Special Master.

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**ITEM BACKGROUND**

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**PREVIOUS RELEVANT BOCC ACTION**

Board approved Ordinance No. 50-2000, which created the office of code enforcement special master.

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**CONTRACT/AGREEMENT CHANGES**

N/A

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**STAFF RECOMMENDATIONS**

Approval.

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TOTAL COST  
COST TO COUNTY

BUDGETED    Yes    No  
SOURCE OF FUNDS

**APPROVED BY:**    County Attorney ☒    OMB/Purchasing ☐    Risk Management ☐

**DIVISION DIRECTOR APPROVAL:**

  
J. R. COLLINS

**DOCUMENTATION:**    Included ☐    To Follow ☐    Not Required ☐

**AGENDA ITEM #** \_\_\_\_\_

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**ORDINANCE NO.        -2003**

**AN ORDINANCE AMENDING THE MONROE COUNTY CODE SECTION 6.3-3 TO PERMIT THE COUNTY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH OTHER LOCAL GOVERNMENTS FOR THE PURPOSE OF SHARING THE SERVICES OF A CODE ENFORCEMENT SPECIAL MASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board has previously adopted the code enforcement system set forth in chapter 162, Florida Statutes, and

**WHEREAS**, the Board has previously abolished the Code Enforcement Board in the favor of utilizing a Special Master to hear code enforcement cases pursuant to section 162.03, Florida Statutes; and

**WHEREAS**, at least one municipality within Monroe County also utilizes a special master to hear code enforcement cases; and

**WHEREAS**, the use of one special master by both the County and a municipality promotes efficiency and economy of services for both parties; and

**WHEREAS**, Attorney General Opinion 2000-34 approved of an interlocal agreement between a county and a municipality for the purpose of hearing code enforcement cases; and

**WHEREAS**, the Monroe County Code, as currently written, does not permit the County to utilize the services of another jurisdiction's code enforcement special master through interlocal agreement; now therefore

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT**

**Section 1.**        Section 6.3-3 is hereby amended to read as follows:

(a) The office of code enforcement special master is hereby created. ~~All persons serving as code enforcement special masters shall be appointed by the board of county commissioners.~~

(1) Appointment.    The board of county commissioners may appoint as many code enforcement special masters as it determines is necessary. The board of county commissioners may also enter into an interlocal agreement with a municipality or another county to utilize the services of that jurisdiction's code enforcement special master or to permit another jurisdiction to utilize the services of the county's special master. If the board of county commissioners elects to utilize the services of another jurisdiction's special master

through an interlocal agreement, that special master shall possess the same powers as if he or she had been appointed directly by the board.

(2) Compensation. Compensation for the code enforcement special masters must be established by a resolution of the board of county commissioners.

(3) Qualifications. All persons appointed or retained through interlocal agreement as special master must have been members of the Florida Bar for five (5) years and have experience in land use and local government law. Code enforcement special masters may not hold any other appointive or elective office while serving as special master except when the special master hears cases in two or more jurisdictions pursuant to an interlocal agreement.

(4) Authority. The code enforcement special master is granted the powers, duties and authority, including the authority to impose fines and liens and to order foreclosure of liens, granted by statute and ordinance.

**Section 2.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 4.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 5.** This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of Florida that this ordinance has been filed with said office.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2003.

Mayor Spehar  
Mayor Pro Tem Nelson  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Rice

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(SEAL)  
Attest: DANNY L.KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk  
jordsharespmaster

By \_\_\_\_\_  
Mayor/Chairperson

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY \_\_\_\_\_  
ATTORNEY'S OFFICE  
DATE 4 - 01 - 03